

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAY CALDWELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:08-cv-00122
)	Magistrate Judge Maureen P. Kelly
SUPERINTENDENT LOUIS FOLINO;)	
LIEUTENANT M.A. PRICE; SGT.)	
GAGNON; C.O. J. MILLER; C.O.)	
LUKACHYK; C.O. TOPKA; C.O. SOKOL;)	
JEFFREY A. BEARD, Secretary of)	
Correction; and LT. NORMAN,)	
)	
Defendants.)	

ORDER

A jury trial was held in this matter beginning on March 27, 2012, and resulted in a defense verdict that was entered on March 30, 2012. ECF No. 198. Plaintiff filed a timely Notice of Appeal to the United States Court of Appeals for the Third Circuit on April 4, 2012, ECF No. 201. Plaintiff has now filed a Motion for Notes of Testimony in which he asks to be provided with a copy of the trial transcript free of charge to assist him in pursuing his appeal. ECF No. 205.

In Tabron v. Grace, 6 F.3d 147, 159-160 (3d Cir. 1993), the Court held “that, as a general rule indigent litigants bear their own litigation expenses, at least initially.”

The in forma pauperis statute, 28 U.S.C. § 1915, permits the waiver of fees and cost for in forma pauperis litigants, see 28 U.S.C. 1915(a), and allows for payment by the United States of the expenses of “printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court,” and of “preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court,” 28 U.S.C. § 1915(b). There is no provision in the statute for the payment by the government of the costs of deposition transcripts, or any other litigation expenses, and no other statute authorizes

courts to commit federal monies for payment of the necessary expenses in a civil suit brought by an indigent litigant.

Tabron, 6 F.2d at 158, 159. As such, Plaintiff's indigent status does not entitle him to a copy of the trial transcript without paying the cost. Plaintiff is advised that if he wished to obtain a copy of the transcript he must contact the Court Reporter and pay the appropriate fees.

AND NOW, this 19th day of June, 2012, upon consideration of Plaintiff's Motion for Notes of Testimony, IT IS HEREBY ORDERED that the Motion [ECF No. 205] is DENIED.

BY THE COURT,

/s/ MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: **CLAY CALDWELL**
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All counsel of record via CM/ECF